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September 4, 2009

Via ECF

Honorable Patty Shwartz, U.S.M.J.
United States District Court, District of New Jersey
U.S. Post Office & Courthouse Bldg.
Federal Square, Room 10
Newark, New Jersey 07101

Re: Beach Creek Marina, Inc. v. Royal Tax Lien, et al.

Civil Action No.: 09-2649(KSH)

Cole Layer Trumble Company and Tyler Technologies Inc.'s Motion to Dismiss

Dear Judge Shwartz:

The undersigned represents Cole Layer Trumble Company and Tyler Technologies Inc. (collectively "Tyler") in the above-referenced matter. Pursuant to my office's telephone conversations with your chambers on or about August 20, 2009, we understand the schedule set forth in your Order of July 14, 2009 regarding Tyler's Motion to Dismiss was not amended or extended. As such, plaintiff's opposition to Tyler's Motion to Dismiss was required to be filed no later than August 3, 2009 and Tyler's reply was required to be filed no later than August 10, 2009. The Docket indicates that plaintiff did not file opposition until August 17, 2009. We note Tyler's co-defendant, Royal Tax Lien, filed a reply on August 24, 2009, to plaintiff's opposition.

Please accept this letter as Tyler's inquiry of whether the Court will be considering plaintiff's opposition to Tyler's Motion to Dismiss. If the Court determines to consider plaintiff's opposition, Tyler requests an opportunity to reply and the filing for such reply. Thank you for your consideration.

Very truly yours,

s/ Maeve E. Cannon
Maeve E. Cannon

cc: Ronald T. Nagle, Esq. (via ECF)
Robin London-Zeitz, Esq. (via ECF)